

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Prior Application No: 09/051,395

Examiner: A. Gupta

Art Unit: 1653

#28 10/28/00
Toray
RECEIVED
SEP 19 2000
TECH CENTER 1600/2900

**REQUEST FORM FOR CONTINUING PROSECUTION
APPLICATION UNDER 37 C.F.R. § 1.53(d)**

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(d) (Continuing Prosecution Application) of prior Application No. 09/051,395, filed on May 8, 1998, for PEPTIDES FOR TREATMENT OF INFLAMMATION AND SHOCK by the following named inventor(s):

- (a) Full Name Ronald Mathison
- (b) Full Name Joseph S. Davison
- (c) Full Name Dean Befus
- (d) Full Name Graham Moore

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the



21839

drawings, as the basic papers for the new application. (Note: 37 C.F.R. § 1.53(b) must be used for applications where the prior application is not to be abandoned.)

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all other applications in the same file wrapper.

- Office did not receive —
1. ☒ Enter the amendment previously filed on February 14, 2000 under 37 C.F.R. § 1.116, but unentered, in the prior application. Additionally, since the status of the Supplemental Amendment previously filed on June 1, 2000 under 37 C.F.R. § 1.116 has not to date been communicated to applicants, it is also requested that this Amendment be entered as well.
 2. ☐ The election made previously in the prior application does not carry over to this application.
 3. ☐ A preliminary amendment is enclosed.
 - ✓ 4. ☒ One statement(s) claiming small entity status ☐ is/are enclosed
☒ was/were filed in prior Application No. 09/051,395, filed on May 8, 1998.
 5. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 1 and 3 above:

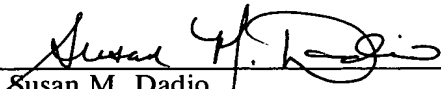
C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$690.00 (101)
Total Claims	29	MINUS 20 =	9	× \$18.00 (103) =	\$162.00
Independent Claims	11	MINUS 3 =	8	× \$78.00 (102) =	\$624.00
If multiple dependent claims are presented, add \$260.00 (104)					-0-
Total Application Fee					\$1,476.00
If small entity status is claimed, subtract 50% of Total Application Fee					\$738.00
TOTAL APPLICATION FEE DUE					\$738.00

- ✓
6. ☒ **This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.**
 7. ☐ A check in the amount of \$ _____ is enclosed for the fee due.

8. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
9. ☐ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
10. ☒ Priority of Application No. 9617021.2, filed on August 13, 1996, in Great Britain (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed
 - ☒ was filed with the International Bureau in International Application No. PCT/CA97/00568, filed on August 13, 1997.
 - ☐ has not yet been filed.
11. ☒ Also enclosed is a Petition for a Five Month Extension of Time.
12. ☒ The power of attorney in the prior application is to Teresa Stanek Rea and other attorneys of the firm Burns, Doane, Swecker & Mathis, L.L.P.
- a. ☒ The power appears in the original papers in the prior application.
 - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. ☒ Recognize as Associate Attorney or Agent Susan M. Dadio, Reg. No. 40,373.
 - d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Teresa Stanek Rea
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

September 14, 2000
Date

By: 
Susan M. Dadio
Registration No. 40,373

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

- ☐ inventor(s)
- ☐ assignee of complete interest
- ☒ attorney or agent of record
- ☐ filed under 37 C.F.R. § 1.34(a)